



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: )  
CLIFTON MILLER )  
FOR: A Paint Sealer for Use Within )  
Paint Cans )  
SERIAL NO: 10/822,880 )  
FILED: April 7, 2004 )  
ART. UNIT NO: to be assigned )  
EXAMINER: to be assigned )  
Attorney Docket No: LP-02-021 )

**COMBINED DECLARATION AND**  
**POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As below named inventors, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- original
- design
- supplemental
- national stage of PCT
- divisional
- continuation
- continuation-in-part

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A Paint Sealer for Use Within Paint Cans**

**SPECIFICATION IDENTIFICATION**

the specification of which:

(a) \_\_\_\_\_ is attached hereto.

(b) XX was filed on April 7, 2004  
Application Serial No. 10/822,880

and was amended on \_\_\_\_\_

(c) \_\_\_\_\_ was described and claimed in PCT International Application No.  
\_\_\_\_\_ filed on \_\_\_\_\_ and  
as amended under PCT Article 19 on \_\_\_\_\_.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS  
AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

XX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §119)**

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) **XXX** no such applications have been filed.  
(e)  such applications have been filed as follows.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. §120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

<u>PCT APPLICATIONS</u>	<u>FILING DATE</u>	<u>STATUS</u> (Patented/Pending/Abandoned)
PCT/AU02/00709	4 June 2002	Pending

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Australia Application No. PR5518, filed June 6, 2001

**35 USC §119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED  
U.S./PCT APPLICATIONS**

Above Application No.      Details of Foreign Application From Which Priority Claimed Under 35 USC §119

**Not Applicable**

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**RALPH C. FRANCIS  
FRANCIS LAW GROUP  
1808 Santa Clara Avenue  
Alameda, CA 94501  
Reg. No. 38,884**

**Tel No.: (510) 769-9800**

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

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SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

**RALPH C. FRANCIS  
FRANCIS LAW GROUP  
1808 Santa Clara Avenue  
Alameda, CA 94501  
Reg. No. 38,884**

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**RALPH C. FRANCIS  
(510) 769-9800**

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**

Full name of inventor: **Clifton Leigh Miller**

Inventor's signature *C. L. Miller*

Date: 14/06/04 Country of Citizenship: Australia

Residence: 50 Cottons Drive  
Little Swanport  
Tasmania 7190  
Australia



Signature by administrator(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added \_\_\_\_\_

\* \* \*

Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added \_\_\_\_\_

\* \* \*

Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

Number of pages added \_\_\_\_\_

\* \* \*

Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

X This Declaration ends with this page.

I hereby certify that this document is being deposited with the United States Postal Service on this date 7-21-04 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL99438744US addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Danielle Gragg  
Name of person mailing document

Danielle Gragg